

REMARKS

A new ground of rejection was made in the November 17, 2005 Decision on Appeal in connection with this patent application. This Amendment is in response to that new ground of rejection and serves as the request to reopen prosecution. This Amendment is timely filed. A Fee Transmittal is concurrently filed submitting the fee for one additional independent claim.

Currently claims 1-22 are pending in this patent application with claims 5, 11, 12, and 17-20 withdrawn from consideration. Claims 1-4, 7, 10, 13, 14, 16, 21, and 22 have effectively been allowed. Claim 4 appears to have been mistakenly identified as depending from a rejected claim in the Decision on Appeal. However, Claim 4 depends from claim 3, and is submitted as allowable in view of the allowance of claims 1 and 3 in the Examiner's Answer. Claim 7 has been amended to incorporate the recitation of claim 6 from which it depended in view of the reversal of the rejection of claim 7 in the Decision on Appeal; therefore claim 7 is respectfully submitted as being allowable. Claims 6, 8, and 9 were rejected on a new ground. Claims 6 and 15 have also been amended.

Claim 15 has been amended to recite that the regulating components are present in a space formed by the upper platform and the lower housing. In this regard, Applicant respectfully submits that the invention as claimed includes elements not expressly or inherently described in *Thomas. Verdegall Bros. v. Union Oil Co. of Calif.*, 2 USPQ.2d 1051, 1053 (Fed. Cir. 1987); *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 9 USPQ.2d 1913, 1920 (Fed. Cir. 1989)(citations omitted). Claim 15 recites that the regulating components are within a space formed by the upper platform and the lower housing. Thomas discloses a belt 98 that is placed on the outside of the Thomas device as illustrated in Figure 7. However, there is nothing within the base 22 and the rotating platform 24 for regulating the ability for having these two components rotate relative to each other. Applicant respectfully submits that claim 15 is allowable as now amended.

New Ground of Rejection: 35 U.S.C. §102(b)/103(a) - Hovda

Claims 6 and 9 have been rejected under 35 U.S.C. §102(b) as allegedly anticipated by or, in the alternative, under 35 U.S.C. §103(a) as allegedly obvious over Hovda (U.S. Pat. No. 1,533,500). This rejection is respectfully traversed.

The Board took the position that the nuts 21, the plate 16, and the screw bolt 19 inherently are an adjustment mechanism. Claim 6 has been amended to recite that the adjustment mechanism engages the lower housing. None of the nuts 21, the screw bolt 19, the bolt head 20, and the plate 16 engages the disc 2. See Hovda, Fig. 1. Therefore, Hovda does not anticipate claim 6.

There is no motivation in the record as to why one of ordinary skill in the art would modify Hovda in such a manner. In fact, if one of these components engaged disc 2, then there would be no reason to have antifriction balls present between plate 16 and plate 12, which is attached to disc 2 and is able to freely rotate about screw bolt 19. See Hovda Fig. 1 and p. 1, lines 83-85. Therefore, claim 6 is non-obvious in view of Hovda.

Since claim 6 is patentable over Hovda, claim 9 is also patentable over Hovda based on its dependency from claim 6. 35 U.S.C. §112, fourth paragraph.

35 U.S.C. §103(a) - Hovda/Titus

Claim 8 has been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Hovda in view of Titus (U.S. Pat. No. 2,256,001). This rejection is respectfully traversed.

Claim 8 is submitted as being patentable over this combination in view of its dependency from claim 6, which is submitted above as being patentable Hovda. Titus does not make up for the deficiencies of Hovda in connection with claim 6; and therefore claim 8 is patentable over the combination of Hovda and Titus.

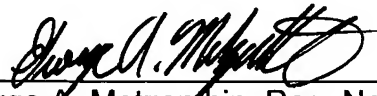
Conclusion

In view of the above amendments and Remarks, it courteously is urged that all the claims are allowable and that the application now is in condition for allowance. If the Examiner believes that the prosecution could be advanced through a telephone

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conversation, then the Examiner is invited to telephone the undersigned. Favorable action in this regard earnestly is solicited.

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